

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Volker Kuhnel
Appln. No. : 10/731,077
Filed : December 9, 2003
Title : METHOD FOR ADJUSTING A HEARING DEVICE AS WELL
AS AN APPARATUS TO PERFORM THE METHOD

Conf. No. : 3740
TC/A.U. : 2635
Examiner : Disler Paul

Customer No. : 00116
Docket No. : TSW-36321

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Interview Summary

Sir:

This paper is filed in response to the interview conducted on May 1, 2008.

Remarks/Arguments begin on page 2 of this paper.

ARGUMENTS/REMARKS

Applicants would like to thank the examiner for personal interview conducted on May 1, 2008.

Claims 1-33 remain in this application.

At the personal interview, the claims and prior art references were discussed. At the interview, it was pointed out to the Examiner that claims 1 and 29 require that the hearing device that is being *adjusted* is the one that analyzes the electric signal output by the hearing device that is *not* being adjusted. In contrast, Beck teaches that it is *not* the device being adjusted, but the hearing device that is *outputting* the signal, that determines the signal transit time (see paragraph 0017). Thus, the claim does not read on the Beck reference. Kachler, and the other references, fail to overcome this shortcoming of Beck, and thus claims 1 and 29, along with the claims dependent on them are patentable over the references.

Furthermore, regarding claim 20, it was pointed out at the personal interview that none of the references show any "couple element" as defined in that claim, which requires that the element have a microphone. The measuring microphone 118 found in Kates does not connect to another hearing device, but instead connects to a computer 104. Accordingly, the Examiner cites Ishege Fig. 3 for such a teaching. However, the combination of references fails to teach any coupling element that couples the output of one hearing device with an input of another hearing device, as is required by the claim language. Ishige clearly states that item 12 is a monitor for extracting hearing aid parameters (col. 5, lines 60-61), and that item 13 is an apparatus such as a telephone set, a television set, a radio receiver, or a headphone (see col. 5, lines 22-24), and item 10 is a

hearing device. But there is no teaching of any *coupling element* coupling hearing aid 10 to either item 12 *or* item 13. Instead, the reference makes clear that the output of the hearing aid 10 is directly provided to an input of device 12 *or* device 13, without any coupling element being identified (see col. 5, lines 15-22).

The Examiner agreed to reconsider the rejections in light of these arguments.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. TSW-36321.

Respectfully submitted,
PEARNE & GORDON, LLP

May 13, 2008

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